

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE ORIGINAL LOG CABIN HOMES LTD.,
(A New York Corporation)
THE ORIGINAL LOG CABIN HOMES LTD.,
(A Delaware Corporation)

Plaintiffs,

-against-

07 Civ. 10352 (DAB)
ORDER

LOG CABIN HOMES USA, SPECIALTY
WHOLESALEERS, DAVID DEHART,
EDMUND DEHART, ALGIE DEHART, JOHN
DOES 1 THROUGH 10 AND JOHN DOE
CORPORATIONS 1 THROUGH 10,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

On November 20, 2007, the Court signed a Temporary Restraining Order in this matter and set November 30, 2007 as the date by which answering papers for the Order to Show Cause were due. In the afternoon of November 30, 2007, for the first time, individual Defendants sought leave to file their responsive papers by fax, which was denied by the Court. The November 20, 2007 Order also set December 7, 2007 at 11:00 A.M. for the hearing on the Order to Show Cause.

On December 6, 2007, individual Defendants, who purport to be proceeding pro se, had an attorney in North Carolina, who was not representing them, had not filed a Notice of Appearance, is not admitted to practice in this Court, but who is "helping them

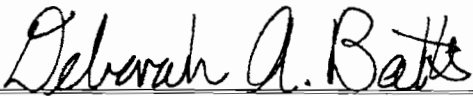
out" call Chambers directly, seeking an adjournment of the December 7, 2007 hearing. Plaintiffs oppose this adjournment.

The Court is further troubled because the unincorporated entity Defendants are not represented by an attorney. There is no doubt that corporations, partnerships, and unincorporated associations cannot appear without legal representation. See Eagle Associates v. Bank of Montreal, 926 F.2d 1305, 1309-10 (2d Cir. 1991); Lattanzio v. COMTA, 481 F.3d 137, 139-140 (2d Cir. 2007).

As of 5:00 P.M., December 6, 2007, the Court is in receipt of the papers of Defendants. In their Motion to Continue the Preliminary Injunction Hearing, the individual Defendants, on their own behalf, and David DeHart, purportedly on behalf of the unincorporated entities, represent that they are willing to comply with the terms of the Temporary Restraining Order and request that the hearing be adjourned to December 14, 2007. The Court GRANTS their Motion. The Temporary Restraining Order is extended until Friday, December 14, 2007, at 11:30 A.M. Accordingly, there shall be no hearing tomorrow at 11:00 A.M.

SO ORDERED.

Dated: New York, New York
December 6, 2007


Deborah A. Batts
United States District Judge